

want to weaken the government's ability to work upon behalf of the American people.

Just days before issuing a decision on *West Virginia v. EPA*, the Court issued another ideologically driven ruling in *New York State Rifle & Pistol Association v. Bruen*. With this decision, the Court struck down a New York gun safety law that had been on the books for more than a century. That law placed limits on who is allowed to carry a concealed handgun in public. As a result of the law being struck down, it is all but certain that we will see more guns on the streets of America at a time when gun violence has become so bad that the leading cause of death among children in America would be guns.

The Supreme Court's decision to wipe away a century-old gun safety law was troubling enough, but even worse is the new test it laid out for considering constitutional challenges to other gun laws. Justice Clarence Thomas' majority opinion rejected the legal test that lower courts had applied after the legendary *Heller* case, which sensibly combined historic analysis with present-day public safety considerations. Instead, under Clarence Thomas's reasoning, the majority claims that the only test for whether a gun law is constitutional is historical analysis; that is, whether the current law has a historical analogue.

There is a problem with that in two respects. First, it invites judicial cherry-picking of historical sources, which is exactly what the Clarence Thomas majority did in striking down the New York law. Second, it ignores modern public safety threats posed by firearms which are nothing like the guns that the Framers of the Constitution had in their day.

Think about it. The gun that was fired in the Highland Park Fourth of July parade crowd discharged 90 rounds in just a matter of seconds. No musket in the time of the Founding Fathers was ever used to fire 90 rounds per minute into a crowd watching a Fourth of July parade. There is just no analogue. The *Bruen* decision was not a triumph of originalism. It was a classic example of runaway judicial activism in furtherance of the far-right ideological agenda, and we have to live in the America that it leaves.

That is not the only ruling in the past term that made America less safe. Earlier today, my Judiciary Committee heard a hearing on the Court's decision in *Dobbs v. Jackson Women's Health Organization* which revoked the constitutional right to reproductive healthcare for every woman in America.

This decision is one of the most irresponsible rulings in American history. By overturning *Roe v. Wade*, the majority not only violated five decades of longstanding precedent; they created a healthcare crisis across the country.

Do you realize that every one of these Supreme Court nominees came

before this Judiciary Committee and made it clear that they would respect this precedent? And now look at what has happened. Whatever your thoughts on *Roe* may be, the fact is that it put a profound and personal decision exactly where it should be—in the hands of an individual. Now that the right has been ripped from the American people and handed over to the Government, your constitutional freedoms depend on what State you live in. Your ZIP Code will decide your constitutional right.

You know, for decades, anti-choice activists claimed that overturning *Roe* would finally settle the controversy surrounding abortion. Instead, this Supreme Court has invited chaos. Pregnant women in America are scrambling at this very moment trying to figure out if they can make it to the nearest clinic to receive lifesaving care as they experience complications during pregnancy. And once again, like the *Bruen* decision on firearms, the *Dobbs* decision on abortion is littered with inaccurate historical analysis.

Justice Alito claims that abortion is not constitutionally protected because it is not "deeply rooted in the Nation's history and tradition."

I am not sure what history his law clerks have been reading. As the dissenters in the *Dobbs* case said:

[E]mbarrassingly for the majority—early law in fact does provide some support for abortion rights. Common-law authorities did not treat abortion as a crime before "quickening"—the point when the fetus moved in the womb. And early American law followed the common-law rule. So the criminal law of that time might be taken as roughly consonant with *Roe*'s and *Casey*'s different treatment of early and late abortions.

Just look at one of our Founding Fathers, Benjamin Franklin, who actually published a textbook that included an at-home abortion recipe.

So the *Dobbs* decision is not based on any originalist interpretation of the Constitution or any precedent. It is an ideologically motivated outcome in search of a legal rationale.

This assault on our fundamental freedoms won't end there. The Supreme Court has already signaled they are just getting started. During today's hearing on the overturning of *Roe v. Wade*, we discussed Justice Clarence Thomas' concurring opinion in *Dobbs*, in which he argues that the constitutional right to privacy is a fiction.

In that opinion, he declares that the Court should "eliminate" the line of cases guaranteeing the constitutional rights to birth control, marriage equality, and consensual relations between LGBTQ people. There is good reason to take this threat seriously.

Based on the cases the Court has agreed to hear in its next term, which begins in October, it is clear that the majority is once again seeking opportunities to impose its far-right agenda on the American people.

The Court is considering one case that could allow individuals and businesses to openly discriminate against

LGBTQ people. Another case will revisit the question of affirmative action in higher education, and, most concerning, this Court will consider a case that could threaten American democracy as we know it. They will decide whether a State legislature can disregard the will of the voters in their State to appoint a slate of electors who support the losing Presidential candidate. The Presiding Officer knows this issue well from the State of Michigan's experience just a few months ago.

There is a reason why a record number of Americans say they have lost faith in the Supreme Court based on what happened in this term that just concluded. And now they are living in fear that their most cherished rights—basic human rights in America—are on the conservative chopping block.

The tragic irony is that it was Chief Justice Roberts who once said that "justices . . . are like umpires. . . . They make sure everybody plays by the rules, but it is a limited role."

I remember that quote, as I was sitting in the Judiciary Committee when he made it, and I thought the limitation that he suggested for the Supreme Court was an indication of his moderation.

The Court that he has joined, in many of these opinions, is not a Court of limited or moderate means. I wish I could say that that, in fact, were true today. It is not. This radical majority is not comprised of umpires calling balls and strikes. They are, in fact, judicial activists—unelected judges—who are actively undermining the rule of law in America, and there is more to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

CONFIRMATION OF STEVE M. DETTELBACH

• Mr. LEAHY. Mr. President, today the Senate voted on the nomination of Steve Dettelbach to be the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives—ATF. I commend President Biden for nominating Steve, who I know will excel as ATF Director at a time when enforcement of our country's gun laws is so critical.

As gun violence continues to plague our country and as mass shootings become more and more common, it is

hard not to feel paralyzed by the endless tragedy. But we must take action. I am proud to reflect on this body's efforts to pass the Bipartisan Safer Communities Act, which was signed into law by President Biden last month.

But we must do more, and we must continue to do all that we can to prevent these senseless tragedies from occurring in the first place. That is why this confirmation vote today was so crucial. The ATF is charged with enforcing our Nation's gun laws, but the Agency has been without a Senate-confirmed Director since 2015. How can that be? In a time when firearms have become the leading cause of death among children in our country, how can we expect the ATF to fully function without a permanent Director? Finally, thankfully, that changes today.

I know Steve personally, and I can attest not only to his strong work ethic, but to his extraordinary set of skills and professional experiences that will no doubt serve him well as ATF Director. Steve served on my Judiciary Committee staff as a detailee from the Department of Justice, a role requiring time-sensitive evaluations of a wide range of issues relating to criminal justice and law enforcement. I am grateful for his wise counsel during his 2 years on my staff, and I have taken a great deal of personal pride in observing all of his achievements and leadership roles he has held since that time.

Steve has spent more than two decades as a prosecutor within the Justice Department, and was confirmed unanimously by the Senate to serve as U.S. attorney for the Northern District of Ohio, a position he held from 2009 to 2016. Over the course of his 30-year career, Steve has demonstrated that he is a dedicated, principled, law enforcement official who is highly qualified to take on this position. With the passage of the Bipartisan Safer Communities Act, the Congress proved that it is not so paralyzed that it cannot take reasonable—rational—steps to confront the scourge of gun violence. The Senate can further prove that today by confirming Steve Dettelbach to lead the ATF. There could be no one more qualified for this position.

I regret that personal matters kept me from casting my vote in favor of Steve's confirmation today, but my enthusiastic support for his confirmation remains steadfast. I look forward to continuing that support by doing all that I can to ensure that Steve and the ATF have the resources they need to enforce our Nation's gun laws and protect our communities.

It is no easy task, but I know Steve is ready. And I stand ready to support him, and I urge all other Senators to do the same today.●

VOTE EXPLANATION

Mr. HAWLEY. Mr. President, had there been a recorded vote, I would have voted no on the confirmations of Executive Calendar No. 1036, Philip A.

Talbert, of California, to be United States Attorney for the Eastern District of California for the term of four years.

ADDITIONAL STATEMENTS

TRIBUTE TO PETE GAGNE

● Ms. HASSAN. Mr. President, I am honored to recognize Pete Gagne of Conway as June's Granite Stater of the Month. Pete is the owner of the Saco River Tubing Center, and this summer, he is spearheading the second Paddle for a Cause campaign to raise money for and lift up local Mount Washington Valley organizations.

Every Wednesday during the 11-week campaign, a portion of every tube, kayak, and rental sale from that day is donated to that week's chosen nonprofit. This year's organizations work on issues such as nature conservation, food insecurity, affordable housing, and service dogs for people with disabilities. Visitors can also pay extra to bring their dogs with them on river expeditions, with all proceeds going to the Conway Area Humane Society. Last year, Saco River Tubing donated over \$3,500.

The Paddle for a Cause program provides much-needed funds to local organizations that are a vital part of the Mount Washington Valley community and helps Granite Staters and tourists alike learn more about all that the vibrant Mount Washington Valley community has to offer.

In addition to fundraising and raising awareness about local organizations, the campaign has an educational component on nature conservation. This is especially important in New Hampshire, since the Granite State is home to many beautiful natural treasures. During every trip on the river, Saco River Tubing employees speak to guests about respecting wildlife and minimizing any negative impact to the ecosystems while on the water. This is particularly important given the influx in visitors that started when Granite Staters and tourists alike were looking for more outdoor activities due to the COVID-19 pandemic.

Pete's Paddle for a Cause not only gives back to the community through fundraising, but also educates people on taking care of our natural resources. Pete exemplifies the Granite State spirit of dedication to community, and I commend him for bringing people together to support critical causes. I know that his initiative will have lasting, positive effects for the Mount Washington Valley and the entire State.●

TRIBUTE TO OFFICER NOAH COLE AND OFFICER NICK GREENE

● Mr. PAUL. Mr. President, the Louisville Metro Police Department fields some of the finest officers this Nation has to offer. Nothing could be more

true of Officers Noah Cole and Nick Greene. On the evening of Monday, June 27, 2022, Officers Cole and Greene were starting their evening shift like any other night.

They stopped at Shorty's Food Mart on 18th Street and Broadway in the Russell neighborhood of West Louisville when they were alerted by an alarmed father. The gentleman told the officers that his daughter needed their help. The officers overcame a language barrier with the father and responded immediately to his plea.

They exited Shorty's and ran to the infant, who was in her mother's arms. Officer Greene quickly assessed the situation and determined that the infant was unconscious from choking. He administered back blows to the infant until the blockage was cleared. Simultaneously, Officer Cole contacted fire and EMS support to aid in the care of the infant. EMS personnel arrived on the scene and were able to further care for the infant and calm the parents.

The actions of these two officers directly saved the life of our most vulnerable citizen and stopped the worst-case scenario for any parent: burying their child. Officer Cole and Greene are servant leaders, an asset to the residents of Louisville, and a testament to the Louisville Metro Police Department. I am proud to salute officers Noah Cole, Nick Greene, and the entire Louisville Metro Police Department on a job well done.●

TRIBUTE TO CAPTAIN KODY JONES

● Mr. PAUL. Mr. President, I rise today to honor the courageous actions of a brave and heroic senior member of the Louisville Fire Department. On February 3, 2022, Captain Kody Jones, a 17-year veteran of the department, went above and beyond the call of duty to save the lives of four people: three adults and one small child.

Around 2 pm, a fire was reported at a home in the 100 block of Stevenson Avenue. Without hesitation, Captain Jones, who was on his way to work, responded to the scene. Once at the residence, Captain Jones safely rescued the four individuals without injury to them or to himself.

Captain Jones then instructed emergency dispatchers on essential details concerning the fire. Using his 17 years of experience, Captain Jones was able to direct responding units to the best position and angle of attack to fight the blaze. He also relayed the fire's size and position and the building's material composition. These details were instrumental in firefighters being able to stop the fire within 1 hour of being on the scene. Following these heroic actions, Captain Jones reported to the fire station to continue to serve on his assigned shift.

Captain Jones' actions that day were critical in saving four lives, minimizing structural damage, and containing the blaze. I salute Captain